IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CRIMINAL JURISDICTION
CRIMINAL APPLICATION NO.180 OF 2007
in
CRIMINAL WRIT PETITION NO. 2561 OF 2004

Jaiprakash Shrivastav & ors .. Applicants

vs

Promila Rajendra Kapoor & ors.. Respondents

Mr.A.P.Mundargi, Sr.Counsel i/b M/s M.V.Kini &Co for Applicants
Ms.Promila K.Kapoor, Respondent in person present
Mr.D.P.Adsule, APP for Respondent no.2

CORAM : B.H.MARLAPALLE, J

DATED : 11th July, 2007

P.C.

1. The applicants had approached this Court in Criminal Writ Petition No.2561 of 2004 and prayed for quashing of the proceedings in Criminal case No.484/S/98 so far as they are concerned. However, the said petition came to be dismissed in default on account of conditional order passed by this Court on 30th January, 2006. Hence, this application for restoration of the said Writ Petition.

2. The office note shows that the application is made beyond time by 1 year and 9 days. The original complainant and present respondent no.1 Ms.Promila Rajendra Kapoor is present as party in

person and she has placed before her written submissions alongwith copy of the booklet published by M/s Indo French Biotech Enterprises Ltd to the accused no.1

3. The delay caused in filing this application has been explained and I am satisfied that the same deserves to be condoned but by levying exemplary costs.

4. Hence, the delay of 1 year and 9 days in filing this application is hereby condoned subject to payment of costs quantified at Rs.5000/-. Application is allowed in terms of prayer clause (a). The cost amount shall be paid to the original complainant/respondent no.1 by demand draft or in cash within a period of two weeks directly and in proof thereof receipt shall be placed before the trial Court within this period of two weeks.

(B.H.Marlapalle, J)

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